REMARKS

The holding of allowable subject matter is gratefully acknowledged.

Some of the claims indicated as allowable have been put in independent form. Applicants respectfully submit that this does not change the scope of the claims and should not result in a filewrapper estoppel. However, if a court should find such an estoppel the amendments should be regarded as amendments by adding a limitation to the independent claims, rather than amendments adding limitations to the dependent claims.

Art rejections

The art rejections are respectfully traversed.

Since the references are complex, Applicants will confine their remarks to those portions of the references cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

Claims 1, 3, 13, 14

These claims recite *inter alia* that the link signal element corresponds to a link mark of at most the minimum runlength, i.e. ≤ 3T.

Nagara, the primary reference, teaches a linking section. This linking section is a link signal element. This linking section is said to have a standard length of 8 frames, see col. 4, line 44. Accordingly, the link signal element of Nagara does not correspond to a link mark. The link signal element of Nagara corresponds to *many* marks. The Column 4 of Nagara, cited by the Examiner does refer to some minimum and maximum runlengths, but as Applicants read those sections, those are in the ECC blocks not in the linking section. Columns 6 and 7 of Nagara refers to some marks, such as record and erase marks, within the linking section. Some

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of these marks are 3T in length; however, none of them taken alone would be called a link mark by one of ordinary skill in the art. Nagara does not use link signal element corresponding to a link mark. Nagara uses a link signal element corresponding to a whole link section.

These claims also recite using a synchronizing mark of at least a maximum runlength. For this proposition, the Examiner cites Tanaka at col. 9 line 45 to col. 10, lines 1-67. As far as Applicants can tell, Nagara relates to the field of ROM and RAM disks; whileTanaka relates to the field of DVD. These media do not have compatible formats. One of ordinary skill in the art would not locate an obscure section in the middle of a DVD-oriented reference in order to improve a ROM/RAM reference. The only way that this obscure section might be found is with a keyword search at the USPTO, using the language of Applicants' claims as a roadmap to guide the search. Applicants respectfully submit that this is impermissible hindsight in view of Applicants' disclosure.

Claims 2 and 4: Does Nagara show any 2T marks being recorded?

According to the response to argument the Examiner is interpreting the language "between a minimum and maximum runlength" to refer to an open interval (i.e. not including endpoints) rather than a closed interval (i.e. including endpoints). The Examiner believes this reading justifies his continued rejection of these claims.

Applicants would first like to point out that well-school engineers, who presumably have taken at least 4 semesters of calculus, never assume that a stated interval is either open or closed. The undersigned has pulled out her linear analysis book from 4th semester calculus and finds these terms defined on page 3. The well-schooled engineer, having been duly alerted to the possibility that an interval may be open or closed, immediately recognizes that a when an

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interval is stated, without a specific indication of whether it is open or closed, the recitation is be ambiguous. One of ordinary skill in the art would therefore look to the specification to see whether the interval is supposed to be open or closed.

Moreover, in making his strained interpretation of the claim language, the Examiner is ignoring important recitations. The claim recites that the marks are between a minimum and maximum runlength. That means that the minimum and maximum runlengths are the endpoints of the interval. Assuming, *arguendo*, as the Examiner does, that one reading the claim would take the stated interval to be open, the recited minimum runlength remains the lower endpoint of the interval. The marks are between the endpoints. If the interval is 3T to 11T, 4T does not become the claimed minimum runlength, merely because the interval may be open. 3T remains the endpoint, i.e. recited the minimum runlength. Therefore the recited mark must be shorter than the endpoint, not shorter than the first value within the open interval. Accordingly, if the interval is 3T to 11 T, the mark must be no more than 2T.

Applicants accordingly respectfully submit that the Examiner has not made a *prima facie* case against these claims.

The Examiner's other rejections and/or points of argument not addressed would appear to be moot in view of the foregoing. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date. None of the Examiner's arguments are conceded, nor is any argument that Applicants might make waived.

REMARKS

Information Disclosure

Applicants submitted a PTO/SB/8a form with the preliminary amendment. A copy is not

enclosed with the latest office action. Correction is respectfully requested.

Please charge any fees other than the issue fee to deposit account 14-1270. Please

credit any overpayments to the same account.

Applicants respectfully submit that they have answered each issue raised by the Examiner

and that the application is accordingly in condition for allowance. Allowance is therefore

respectfully requested.

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CERTIFICATE OF MAILING

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Commissioner for Patents
P.O. Box 1450
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Respectfully submitted,

By _____
Anne E. Barschall, Reg. No. 31,089
Tel. no. 914-332-1019
Fax no. 914-332-7719
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